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SHERIDA DEVINE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA – SOUTHERN DIVISION**

SHERIDA DEVINE,

Plaintiff,

VS.

GC SERVICES, LP; and DOES 1 to 10,
inclusive.

Defendants.

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

COMPLAINT

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Sherida Devine (hereinafter “Plaintiff”), an individual consumer, against Defendant, GC Services, LP (hereinafter “Defendant”), for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

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2 ***II. JURISDICTION***
3

4 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.
5

6 Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is
proper in that the Defendant transacts business here.

7 ***III. PARTIES***
8

9 3. Plaintiff, Sherida Devine, is a natural person with a permanent residence in North Las
Vegas, Clark County, Nevada 89031.

10 4. Upon information and belief, the Defendant, GC Services, LP, is a corporation
11 engaged in the business of collecting debt in this state and in several other states, with its
12 principal place of business located at 6330 Gulfton St, Suite 300, Houston, Harris County, Texas
13 77081. The principal purpose of Defendant is the collection of debts in this state and several
14 other states, and Defendant regularly attempts to collect debts alleged to be due another.

15 5. Defendant is engaged in the collection of debts from consumers using the mail and
16 telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another.
17 Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

18 ***IV. FACTUAL ALLEGATIONS***
19

20 6. The debt that Defendant is attempting to collect on is an alleged obligation of a
21 consumer to pay money arising out of a transaction in which the money, property, insurance or
22 services, which are the subject of the transaction, are primarily for personal, family, or household
23 purposes, whether or not such obligation has been reduced to judgment.

24 7. Within one (1) year preceding the date of this Complaint, Defendant, in connection
25 with the collection of the alleged debt, attempted to communicate with Plaintiff at her place of
26
27

employment after being informed that this inconvenienced Plaintiff and/or was conduct prohibited by Plaintiff's employer.

8. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, communicated with Plaintiff's friend, who is not a co-signer on the alleged debt, and the communication was not in a manner covered by §1692b of the FDCPA.

9. The natural consequences of Defendant's statements and actions were to unjustly condemn and vilify Plaintiff for her non-payment of the debt she allegedly owed.

10. The natural consequences of Defendant's statements and actions were to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.

11. The natural consequences of Defendant's statements and actions were to cause Plaintiff mental distress.

12. Defendant utilized unfair and unconscionable means to collect on Plaintiff's alleged debt, by harassing Plaintiff at work and talking to third parties.

V. CLAIM FOR RELIEF

13. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs

14. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendant violated §1692b(2) of the FDCPA by telling a third party that the Plaintiff owes an alleged debt; and
- (b) Defendant violated §1692c(a)(3) of the FDCPA by communicating with the Plaintiff at the Plaintiff's place of employment when the Defendant knew or

1 had reason to know that the Plaintiff's employer prohibits the Plaintiff from
2 receiving such communication; and

- 3 (c) Defendant violated §1692c(b) of the FDCPA by contacting a third party in
4 connection with the collection of the alleged debt without the consent of the
5 Plaintiff and the contact was not in a manner covered by §1692b of the
6 FDCPA; and
7
(d) Defendant violated §1692d of the FDCPA by engaging in conduct the natural
8 consequences of which is to harass, oppress, or abuse any person in
9 connection with the collection of an alleged debt; and
10
(e) Defendant violated §1692f of the FDCPA by using unfair or unconscionable
11 means in connection with the collection of an alleged debt.

14 15. Defendant's acts as described above were done intentionally with the purpose of
coercing Plaintiff to pay the alleged debt.
16

17 16. As a result of the foregoing violations of the FDCPA, Defendant is liable to the
18 Plaintiff, Sherida Devine, for declaratory judgment that Defendant's conduct violated the
19 FDCPA, actual damages, statutory damages, and costs and attorney fees.
20
21

22 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered against Defendant,
23 GC Services, LP, for the following:

- 24 A. Declaratory judgment that Defendant's conduct violated the FDCPA.
25 B. Actual damages.
26 C. Statutory damages pursuant to 15 U.S.C. § 1692k.
27 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
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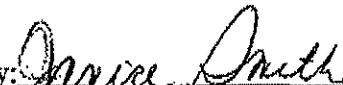
- 1 E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under
2 the law.
3 F. For such other and further relief as the Court may deem just and proper.

4 **DEMAND FOR JURY TRIAL**
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6 PLEASE TAKE NOTICE that Plaintiff, Sherida Devine, demands trial by jury in this
7 action.

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9 RESPECTFULLY SUBMITTED,
10 PRICE LAW GROUP, APC

11
12 DATED: April 15, 2013

13 By: 
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